

84TH CONGRESS
1ST SESSION

H. J. RES. 297

IN THE HOUSE OF REPRESENTATIVES

MAY 3, 1955

Mr. FOGARTY introduced the following joint resolution; which was referred to the Committee on Banking and Currency

JOINT RESOLUTION

Directing the Secretary of Health, Education, and Welfare to exercise, for a limited period of time, certain emergency controls with respect to the distribution and use of the Salk vaccine.

- 1 *Resolved by the Senate and House of Representatives*
- 2 *of the United States of America in Congress assembled,*
- 3 That the Congress finds that the Salk vaccine for the preven-
- 4 tion of poliomyelitis affords, at this time, the only effective
- 5 means for preventing that disease, that the demand for the
- 6 Salk vaccine far exceeds the supply, and that this temporary
- 7 shortage in the supply of the vaccine has given rise to an
- 8 emergency health problem which, being national in its scope
- 9 and nature, requires the exercise for a limited time, as pro-

1 vided in this resolution, of certain emergency controls with
2 respect to the distribution and use of such vaccine.

3 SEC. 2. (a) The Secretary of Health, Education, and
4 Welfare (hereinafter referred to as the "Secretary") —

5 (1) shall establish such priorities as he determines
6 necessary to insure that the available supply of the Salk
7 vaccine shall be distributed first to the most susceptible
8 age group (based on existing medical knowledge) and
9 thereafter to other age groups in descending order of
10 their susceptibility to such disease, and such priorities,
11 to the extent deemed appropriate by the Secretary, may
12 be established on a regional basis; and

13 (2) shall establish a price per unit for the Salk
14 vaccine (exclusive of the cost of administering such
15 vaccine) which is fair and equitable to the sellers of
16 such vaccine.

17 (b) The Secretary, on the basis of priorities established
18 under subsection (a), shall allocate to each State its share
19 of the available supply of the Salk vaccine.

20 (c) The health department of each State shall establish
21 a program, approved by the Secretary, governing the dis-
22 tribution, sale, and use, in accordance with this resolution
23 and the requirements established under authority thereof,
24 of the Salk vaccine allocated to such State.

25 SEC. 3. (a) No Salk vaccine shall be sold at a price

1 other than the price established in accordance with section
2 2 (a) (2).

3 (b) No Salk vaccine shall be sold in a manner, or upon
4 terms or conditions, in conflict with the applicable program
5 established by the health department of a State pursuant to
6 section 2 (c).

7 SEC. 4. The supply of Salk vaccine which has been pur-
8 chased or contracted to be purchased by the National
9 Foundation for Infantile Paralysis shall not be subject to the
10 provisions of this resolution so long as such supply of vaccine
11 is owned and distributed by such National Foundation.

12 SEC. 5. The Secretary shall issue such regulations and
13 orders as he deems necessary to carry out the provisions of
14 this Act (including regulations and orders with respect to
15 the sale and distribution of the Salk vaccine in any State
16 prior to the establishment and approval of a program in such
17 State pursuant to section 2 (c)).

18 SEC. 6. Whoever willfully does any act prohibited, or
19 willfully fails to perform any act required, by the provisions
20 of this resolution or of any regulation or order issued under
21 this resolution, shall upon conviction, be fined not more than
22 \$5,000 or imprisoned for not more than two years, or both.

23 SEC. 7. As used in this resolution—

24 (1) The term "health department" means the depart-

1 ment, agency, or authority of a State having jurisdiction over
2 public health matters; and

3 (2) The term "State" includes, in addition to each
4 of the several States of the United States, the District of
5 Columbia and any Territory or possession of the United
6 States.

7 SEC. 8. This resolution shall cease to be in effect at the
8 close of May 31, 1956, except that if, prior to that time, the
9 Secretary finds, and makes a public announcement, that the
10 emergency which necessitated the enactment of this resolu-
11 tion no longer exists, then this resolution shall cease to be in
12 effect at the close of the day upon which such public an-
13 nouncement is made.